

Planning Board Meeting Minutes

Jonathan Wood; Carolyn Matthews; Doug Vogel; Gretchen Gott; Bill Hoitt (arrived at 7:10 p.m.); Don Hedman, Sitting Alternate.

Absent: Jim Kent; Bill Cantwell

Call to Order at 7:00 p.m.

Jonathan Wood announced Alternate Don Hedman would be seated for the duration of the meeting.

Approval of Minutes

MOTION: Carolyn Matthews made a motion, seconded by Bill Hoitt, to approve the minutes of August 05, 2010 as drafted. The motion was inconclusive, with a vote of 3-0-3, with Gretchen Gott, Doug Vogel and Don Hedman abstaining.

Regarding the minutes of August 12, 2010, the Board agreed that they should be revised and brought back at a future meeting for approval.

MOTION: Jonathan Wood made a motion, seconded by Bill Hoitt, to approve the minutes of August 19, 2010 as amended. The motion was inconclusive, with a vote of 2-0-4, with Carolyn Matthews, Doug Vogel, Gretchen Gott and Don Hedman abstaining.

Public Hearing – Raymond Sand & Gravel, LLC Excavation Permit

Application #2010-012 – *An application for an Earth Excavation Permit has been submitted by Raymond Sand and Gravel, LLC. The applicant is proposing the continuation of an existing rock quarrying operation. The property is shown on Raymond Tax Map 37, Lot 10; located at the Candia Town Line on NH Route 27.*

Gretchen Gott asked if Kevin Cole was up to date with his required monthly cash payments in lieu of a bond. Ernie replied to the best of his knowledge, Kevin is up to date with his payments.

Gretchen Gott made a motion to revoke permission to operate and re-notice for a new hearing, at the applicant's expense, on October 07, 2010. Carolyn Matthews stated she does not believe the Board has grounds to issue a cease and desist, as this has been a truly unusual process. Upon further discussion, Jonathan Wood suggested that the Planning Board reschedule a hearing for October 07, 2010.

MOTION: Jonathan Wood made a motion, seconded by Carolyn Matthews, to re-notice, at the applicant's expense, the public hearing for Application #2010-012, for October 07, 2010. Plans shall be submitted to the Community Development Department by close of business on September 23, 2010, and if plans are not received by this deadline, then the Planning Board reserves the right to revoke permission to operate. The motion carried with a vote of 5-1-0, with Gretchen Gott opposed.

Public Hearing – Candia South Branch Brook, LLC Excavation Permit

Application #2010-010 – An application for an Earth Excavation Permit has been submitted by Candia South Branch Brook, LLC. The applicant is proposing the continuation of an existing sand and gravel excavation operation. The property is shown on Raymond Tax Map 38, Lot 34; located roughly across the street from the Palmer Gas facility on NH Route 27.

The Planning Board proceeded line by line through the Staff Review Summary dated August 20, 2010 (attached). Discussion took place where required, resulting in the following motions:

MOTION: Don Hedman made a motion, seconded by Doug Vogel to grant the written waiver request submitted by the applicant for relief from the Town of Raymond Earth Excavation Regulations, Section XIV (B) (2), because, as stated in said request, the "...parcel is isolated from any other structure." The motion carried with a vote of 6-0-0.

The written waiver request is attached.

MOTION: Don Hedman made a motion, seconded by Doug Vogel, to approve Application #2010-010 as presented by **Candia South Branch Brook, LLC for property located on Raymond Tax Map 38, Lot 34; State Route 27.**

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within two (2) months and confirmed in writing by the Raymond Community Development Director or designee, or this approval shall become null and void.

The following are conditions precedent:

- 1.1. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of the applications, application supporting documentation and permits to the Community Development Department, to include;
 - 1.1.1. New Hampshire Department of Environmental Services Alteration of Terrain Permit. Copies of all studies, surveys, plans or other submissions required to be made to agencies as a condition of the Alteration of Terrain Permit must also be submitted to the Town of Raymond Community Development Department;
 - 1.1.2. United States Environmental Protection Agency Storm Water Pollution Prevention Plan and proof of submission to by the EPA NOI (Notice of Intent) Processing Center and final approval of U.S. EPA to operate;
- 1.2. All fees authorized to be charged to the applicant pursuant to the Raymond Earth Excavation Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
- 1.3. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
- 1.4. Applicant shall make the following additions to the plans:

- 1.4.1 Provide a note on the plan identifying the estimated duration of the project (Section XIV (A)(10) of the Raymond Earth Excavation Regulations);
 - 1.4.2 Planned sequencing of excavation activities including approximate dates and areas (Section XIV (A)(15) of the Raymond Earth Excavation Regulations);
 - 1.4.3 Applicant shall submit a detail of proposed signage required under Section XIV (C)(17)(A) of the Raymond Earth Excavation Regulations and illustrate proposed location(s) on the cover sheet.
- 1.5 A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the date of this approval, or September 26, 2010. Failure to execute the required agreement will result in plan approval revocation.
- 1.6 Bonding & Inspection and Enforcement Escrow Account
 - 1.6.1 Reclamation Bond: A reclamation bond, renewed annually as approved by the Planning Board at its final review hearing, shall be posted with the Town of Raymond.
2. This approval is subject to the following waivers, as granted by the Raymond Planning Board:
 - 2.1. Section XIV (B) (2) of the Raymond Earth Excavation Regulations, adopted 1989, amended 2001.
3. **Other Conditions imposed by the Planning Board:**
 - 3.1. Applicant shall not exceed a sound level of 65 decibels, Scale A, at any property lines of the lots included in this decision. If at any time during operations the sound level at any property line is determined to be at a level exceeding 65 decibels, Scale A, from an onsite operations-related source, not to include blasting, then this excavation permit shall be eligible for revocation by the Raymond Planning Board.
 - 3.2. Fugitive dust control within site, which includes all lots included in this approval, shall be employed in accordance with NH Code of Administrative Rules ENV-A 2805.01 and 2803.02, as may be amended from time to time (see below);

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-A 2805 FUGITIVE DUST CONTROL WITHIN THE PLANT PROPERTY

Env-A 2805.01 Fugitive Dust Control Within Plant Property.

(a) For a source or plant subject to this chapter, the owner or operator shall control emissions of dust from vehicular movement within the plant property boundaries. Fugitive dust control methods shall include, but shall not be limited to, paving or wetting the roadway.

(b) For a source or plant subject to this chapter, the owner or operator shall control emissions of dust from stockpiling. Fugitive dust control methods shall include, but shall not be limited to, wet suppression, windbreaks, enclosures, or soil stabilization.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04

Env-A 2803.02 Fugitive Emission Control Systems for Sand and Gravel Sources. The owner or operator of a sand and gravel source shall not operate the source unless it is equipped with a fugitive emission control system that is operated and maintained to control the emission of particulate matter.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04

- 3.3 Amend the plan to certify that there is nothing within 200' of the boundaries as indicated in Section XIV (A) (5) and (6) of the Raymond Earth Excavation Regulations, amended 2001.
- 3.4 Add a note on the plan as to the duration of the project up to 20 years, along with a description of the sequencing of excavation.
- 3.5 Provide copies of additional permits as granted and list them on the plans.
- 3.6 Amend Note 7 on the plans to include days/times of operation consistent with the Raymond Earth Excavation Regulations, amended 2001.
- 3.7 Provide signage on site in accordance with Section XIV (C) (17) of the Raymond Earth Excavation Regulations, amended 2001.

4. This permit shall expire on June 14, 2012. In accordance with Article XIV, Item 8 of the Amended Raymond Earth Excavation Regulations adopted on May 20, 2010 (to be attached to the Official Notice of Decision), Applicant shall fully comply with the amended regulations upon application for a new excavation permit at that time. Applications, plans and fees are due in the Community Development Department by April 16, 2012.

The motion carried with a unanimous vote of 6-0-0.

Other Business

No other business was discussed.

Adjournment

MOTION: Don Hedman made a motion, seconded by Bill Hoitt, to adjourn. The motion carried with a unanimous vote of 6-0-0. The meeting adjourned at 9:21 p.m.

Respectfully Submitted:

Ernest M. Cartier Creveling